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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,711	02/18/2004	Ali R. Dergham	117430	1111
27074	7590	06/06/2005	EXAMINER	
OLIFF & BERRIDGE, PLC. P.O. BOX 19928 ALEXANDRIA, VA 22320			GHATT, DAVE A	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/779,711	<b>Applicant(s)</b> DERGHAM ET AL.	
	<b>Examiner</b> Dave A. Ghatt	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☒ Claim(s) 7 and 8 is/are allowed.  
 6) ☒ Claim(s) 1-6 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
     1. ☐ Certified copies of the priority documents have been received.  
     2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>3/17/05</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ray (US 5,701,750). Insofar as structure is recited, Ray teaches the claimed invention. As shown in Figures 1 and 2, Ray teaches a dual air flow environmental module for a marking engine. Ray teaches a plenum shown generally at 20, having a main air flow chamber 24, a primary air flow chamber (zone 1) fluidly connected to the main air flow chamber and a secondary air flow chamber (zone 3) fluidly connected to the main air flow chamber, the primary and secondary air flow chambers being located downstream of the main air flow chamber a wall dividing the primary air flow chamber from the secondary air flow chamber. Figures 1 and 2 of Ray teach an air conditioning mechanism (heat pump 1) that adjusts the thermodynamic characteristics of the air flowing in the plenum. Figures 1 and 2 also teach a primary air flow blower 1 that moves air through the main and primary air flow plenum chambers, and a secondary air flow blower 3 that moves air through the main and secondary air flow plenum chambers. Column 3 lines 23-40 of Ray teaches a controller that operates the primary and secondary air flow blowers to provide balanced primary and secondary air flows in the marking engine. The applicant is reminded that

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this claim does not require a marking engine. Also, the structure of Ray is capable of providing the recited function.

With respect to claim 2, column 3 lines 23-40 and column 4 lines 16-39 teach the controller controlling the air conditioning (heat pump 1) mechanism to adjust the primary and secondary air flows.

With respect to claim 3, insofar as structure is broadly recited, Ray teaches the claimed invention. The ambient air that enters the system of Ray is all that is required to meet the limitation for a moisture source.

With respect to claim 4, the heat pump 2, shown in Figures 1 and 2 meets the requirement for at least one heater.

With respect to claim 5, insofar as structure is broadly recited, the teaching of column 3 lines 23-40 and column 4 lines 16-39 is enough to meet the requirement for controller to operate the moisture source to thermodynamically adjust the primary and secondary air flows.

With respect to claim 6, insofar as structure is broadly recited, the teaching of column 3 lines 23-40 and column 4 lines 16-39 is enough to meet the requirement for controller to operate the heater (heat pump 2) to thermodynamically adjust the primary and secondary air flows.

***Allowable Subject Matter***

3. Claims 7 and 8 are allowed.

Claim 7 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total method claimed, including the steps of providing a wall dividing the primary air flow plenum chamber from the secondary air flow plenum

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chamber, drawing air through the main and primary air flow plenum chambers, drawing air through the main and secondary air flow plenum chambers, and providing balanced primary and secondary air flows in the marking engine.

### ***Response to Arguments***

4. Applicant's arguments, discussed in the personal interview of March 17, 2005, and filed March 18, 2005 with respect to claims 1-8 have been fully considered and are persuasive. The 35 U.S.C. 102(e) rejections of claims 1-8 have been withdrawn. However, claims 1-6 have now been rejected under 35 U.S.C. 102(b) as being anticipated by Ray (US 5,701,750). As such, this action is made NON-final.

### ***Conclusion***

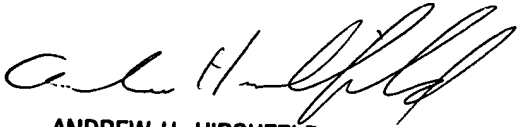
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A. Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG



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